

REMARKS

Claims 1-2, 4-17, and 19 – 42 are pending in this applications. Claims 1 and 16 have been amended, and claims 3 and 18 have been cancelled. Claims 6 – 15 and 21 – 42 have been withdrawn.

Information Disclosure Statement

An IDS is submitted concurrently herewith with legible copies of the prior art references for consideration. However, it is believed that the copies of the references submitted with the original IDS were indeed legible. The examiner is requested to contact the undersigned attorney if problems persist.

Specification

The title has been amended in accordance with the suggestion made by the examiner in the Office Action. Withdrawal of the objection is respectfully solicited.

Claim Objection

Claims 3 and 18 have been cancelled. Withdrawal of the objection is respectfully solicited.

Claim Rejection

Claims 1 – 5 and 16 – 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rosenbluth (2002/0140920). This rejection is respectfully traversed.

Claims 1 and 16 have been amended by incorporating the subject matter of dependent claims 3 and 18, respectively, to recite “determining an optimal illumination source as an

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illumination source which maximizes the image log slope at the selected fragmentation points and has an intensity within a predetermined range, wherein the optimal illumination source forces the illumination intensity at the image plane to a predetermined value.”

Rosenbluth fails to disclose the above-recited claimed feature. For the feature of wherein the optimal illumination source forces the illumination intensity at the image plane to a predetermined value, the examiner cites paragraph [0026] of Rosenbluth. Paragraph [0026] of Rosenbluth simply discloses using a merit function to represent an illumination system. Applicant has diligently reviewed and considered Rosenbluth and is unable to find any disclosure, or suggestion for that matter, of the optimal illumination source forcing the illumination intensity at the image plane to a predetermined value, as claims 1 and 16 recite.

Claims that depend from claims 1 and 16 are patentable at least for the reasons above. Withdrawal of the rejection is respectfully solicited.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner’s amendment, the Examiner is requested to call Applicants’ attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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